



General Assembly

## ***Amendment***

***January Session, 2015***

**LCO No. 8284**



Offered by:

REP. TONG, 147<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
REP. HEWETT, 39<sup>th</sup> Dist.  
SEN. FASANO, 34<sup>th</sup> Dist.  
REP. REBIMBAS, 70<sup>th</sup> Dist.  
REP. MORRIS, 140<sup>th</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. ADAMS, 146<sup>th</sup> Dist.  
REP. CUEVAS, 75<sup>th</sup> Dist.  
REP. VARGAS, 6<sup>th</sup> Dist.  
REP. MCGEE, 5<sup>th</sup> Dist.  
REP. SANTIAGO, 84<sup>th</sup> Dist.  
REP. SANTIAGO, 130<sup>th</sup> Dist.  
REP. ARCE, 4<sup>th</sup> Dist.  
REP. CANDELARIA, 95<sup>th</sup> Dist.  
REP. FRITZ, 90<sup>th</sup> Dist.  
REP. DARGAN, 115<sup>th</sup> Dist.  
REP. BERGER, 73<sup>rd</sup> Dist.  
REP. ORANGE, 48<sup>th</sup> Dist.  
REP. ESPOSITO, 116<sup>th</sup> Dist.  
REP. VERRENGIA, 20<sup>th</sup> Dist.  
REP. SAYERS, 60<sup>th</sup> Dist.  
REP. COOK, 65<sup>th</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> Dist.  
REP. LUXENBERG, 12<sup>th</sup> Dist.  
REP. STALLWORTH, 126<sup>th</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.  
REP. ROSARIO, 128<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.  
REP. SHABAN, 135<sup>th</sup> Dist.

REP. HENNESSY, 127<sup>th</sup> Dist.  
SEN. WITKOS, 8<sup>th</sup> Dist.  
REP. KLARIDES, 114<sup>th</sup> Dist.  
REP. ABERCROMBIE, 83<sup>rd</sup> Dist.  
REP. ALBIS, 99<sup>th</sup> Dist.  
REP. ALEXANDER, 58<sup>th</sup> Dist.  
REP. ALTOBELLO, 82<sup>nd</sup> Dist.  
REP. BAKER, 124<sup>th</sup> Dist.  
SEN. DOYLE, 9<sup>th</sup> Dist.  
SEN. FORMICA, 20<sup>th</sup> Dist.  
REP. GENGA, 10<sup>th</sup> Dist.  
REP. GUERRERA, 29<sup>th</sup> Dist.  
REP. HAMPTON, 16<sup>th</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.  
REP. JUTILA, 37<sup>th</sup> Dist.  
SEN. LARSON, 3<sup>rd</sup> Dist.  
REP. MCCARTHY VAHEY, 133<sup>rd</sup> Dist.  
REP. MEGNA, 97<sup>th</sup> Dist.  
REP. MILLER P., 145<sup>th</sup> Dist.  
REP. NICASTRO, 79<sup>th</sup> Dist.  
REP. REED, 102<sup>nd</sup> Dist.  
REP. RILEY, 46<sup>th</sup> Dist.  
REP. ROSE, 118<sup>th</sup> Dist.  
REP. ROVERO, 51<sup>st</sup> Dist.  
REP. RYAN, 139<sup>th</sup> Dist.  
REP. SANCHEZ, 25<sup>th</sup> Dist.  
REP. SERRA, 33<sup>rd</sup> Dist.  
REP. JANOWSKI, 56<sup>th</sup> Dist.  
REP. BECKER, 19<sup>th</sup> Dist.  
REP. BOUKUS, 22<sup>nd</sup> Dist.

REP. MUSHINSKY, 85<sup>th</sup> Dist.

To: Subst. House Bill No. 6923

File No. 680

Cal. No. 443

**"AN ACT CONCERNING SEXUAL ASSAULT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 54-102g of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *January 1, 2016, and applicable to arraignments on or after said date*):

6 (a) (1) Whenever any person is [arrested on or after October 1, 2011,  
7 for the commission of a serious felony] arraigned and the court finds  
8 there is probable cause to believe such person committed a serious  
9 felony, and, prior to such [arrest, has been convicted of a felony but]  
10 arraignment, has not submitted to the taking of a blood or other  
11 biological sample for DNA (deoxyribonucleic acid) analysis pursuant  
12 to this section, [the law enforcement agency that arrested such person  
13 shall, as available resources allow, require such person to submit] the  
14 prosecutorial official shall request and the judge shall order that such  
15 person submit, as required by the Court Support Services Division and  
16 as available resources allow, to the taking of a blood or other biological  
17 sample for DNA (deoxyribonucleic acid) analysis to determine  
18 identification characteristics specific to the person. [If the law  
19 enforcement agency requires such person to submit to the taking of  
20 such blood or other biological sample, such] If such person is in the  
21 custody of the Department of Correction, such person shall submit, as  
22 required by the Department of Correction and as available resources  
23 allow, to the taking of a blood or other biological sample for DNA  
24 (deoxyribonucleic acid) analysis to determine identification

25 characteristics specific to the person.

26 (2) Such person shall submit to the taking of such sample [prior to  
27 release from custody and] at such time and place as the [agency] Court  
28 Support Services Division or the Department of Correction may  
29 specify. For purposes of this subsection, "serious felony" means a  
30 violation of subdivision (2) of subsection (a) of section 53-21, section  
31 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55, 53a-55a, 53a-56, 53a-56a,  
32 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-  
33 60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b,  
34 53a-73a, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-100aa, 53a-101,  
35 53a-102, 53a-102a, 53a-103, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,  
36 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c.

37 Sec. 2. Subdivision (1) of subsection (a) of section 54-102h of the  
38 general statutes is repealed and the following is substituted in lieu  
39 thereof (*Effective January 1, 2016*):

40 (a) (1) The collection of a blood or other biological sample from  
41 persons required to submit to the taking of such sample pursuant to  
42 subsection (a) of section 54-102g, as amended by this act, shall be the  
43 responsibility of the [law enforcement agency that arrested such  
44 person] Judicial Department and shall be taken at a time and place  
45 specified by [that agency prior to such person's release from custody]  
46 the Court Support Services Division or, if such person is in the custody  
47 of the Department of Correction, the Department of Correction shall be  
48 responsible for the taking of such sample.

49 Sec. 3. Section 54-102l of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective January 1, 2016*):

51 (a) A DNA profile that has been included in the data bank pursuant  
52 to sections 54-102g to 54-102k, inclusive, as amended by this act, shall  
53 be expunged in the event that (1) the [criminal] conviction or the  
54 finding of not guilty by reason of mental disease or defect on which the  
55 authority for including the person's DNA profile was based has been

56 reversed and the case dismissed or such person has been granted an  
57 absolute pardon for such conviction, or (2) if the DNA profile of a  
58 person has been included in the data bank on account of the person  
59 being (A) arrested as provided in subsection (a) of section 54-102g of  
60 the general statutes, revised to January 1, 2015, or (B) arraigned and a  
61 court's finding of probable cause in accordance with subsection (a) of  
62 section 54-102g, as amended by this act, the charge has been dismissed  
63 or nolleed or the person has been acquitted of the charge.

64 (b) The Division of Scientific Services within the Department of  
65 Emergency Services and Public Protection shall [purge] immediately  
66 expunge all records and identifiable information in the data bank  
67 pertaining to the person and destroy all samples from the person upon  
68 receipt of a certified copy of (1) the court order reversing and  
69 dismissing the conviction or the finding of not guilty by reason of  
70 mental disease or defect or notification of an absolute pardon for such  
71 conviction, or (2) the court order dismissing or nolling the charge or  
72 acquitting the person of the charge.

73 (c) Any person whose records and identifiable information in the  
74 data bank are required to be expunged and samples from such person  
75 are required to be destroyed in accordance with the provisions of this  
76 section, may request confirmation of such expungement and  
77 destruction of samples from the Division of Scientific Services within  
78 the Department of Emergency Services and Public Protection. The  
79 division shall confirm such expungement and destruction of samples  
80 not later than thirty days after receipt of such request. If such person's  
81 records and identifiable information and all samples from such person  
82 have not been expunged or destroyed and the division is in possession  
83 of a certified copy of the documentation described in subdivision (1) or  
84 (2) of subsection (b) of this section, the division shall immediately  
85 expunge such records and information and destroy such samples and  
86 shall send confirmation to such person. If the division has not received  
87 a certified copy of such documentation required by this section in  
88 order to expunge such records and information and to destroy such

89 samples, the division shall instruct such person to obtain such copy  
90 and to submit the copy to the division. If the division receives such  
91 copy, the division shall immediately expunge such records and  
92 information and destroy such samples and shall send confirmation to  
93 such person."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016, and applicable to arraignments on or after said date</i>	54-102g(a)
Sec. 2	<i>January 1, 2016</i>	54-102h(a)(1)
Sec. 3	<i>January 1, 2016</i>	54-102l